

Matus et al.

S/N: 10/605,568

REMARKS

Claims 1-22 are pending in the present application. In the final Office Action mailed May 4, 2005, claims 1-13, 15-18, and 20-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schneider et al. (USP 5,866,869). Claims 14 and 19, as amended, were rejected under 35 U.S.C. §103(a) as being unpatentable over Schneider et al.

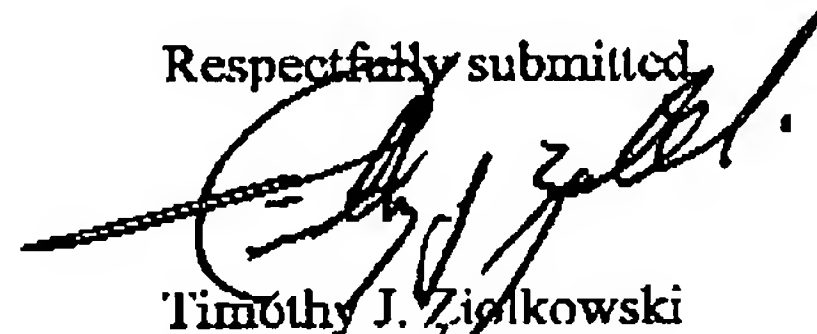
Applicant submits herewith the Declaration of inventor Joseph C. Schneider in support of Applicant's remarks filed March 7, 2005. Mr. Schneider, clearly one skilled in the art, attests as fact to the arguments made by Applicant in its March 7, 2005 Response. Mr. Schneider states that one skilled in the art will readily recognize that reference number 100 in the '869 patent is not referring to a torch handle, and would not be reasonably believed to be a torch handle by one skilled in the art. This is clearly the case because the power supply 102 cannot be placed within a torch handle because of its size and weight.

The Examiner did not previously take this fact into consideration, but had merely interpreted the reference literally. Applicant acknowledges the reference states that reference number 100 is "a torch", and also refers to 100 as the "the body of torch." However, since one skilled in the art would readily recognize that a power supply cannot be located in the handle of a plasma cutting torch, it is quite obvious that the '869 patent shows the overall plasma cutting system as 100.

Based on the Declaration of Joseph C. Schneider, one skilled in the art, and the aforementioned argument, it is clear that the correct interpretation of the '869 patent requires withdrawal of the Examiner's only remaining rejection. Accordingly, Applicant respectfully requests allowance of claims 1-22.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted



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